

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NGHIA NGUYEN,

Plaintiff,

v.

NANCY FERNELIUS, et al.,

Defendants.

CASE NO. 3:23-CV-5102-TL-DWC

ORDER GRANTING APPLICATION  
TO PROCEED *IN FORMA PAUPERIS*  
AND DIRECTING INSTITUTION TO  
CALCULATE, COLLECT, AND  
FORWARD PAYMENTS

Plaintiff is a state prisoner proceeding *pro se* in this civil rights action. The Court, having reviewed Plaintiff's application to proceed *in forma pauperis*, hereby finds and ORDERS as follows:

(1) Plaintiff's declaration indicates he is unable to afford the Court's filing fee or give security therefore. Accordingly, Plaintiff's application to proceed *in forma pauperis*, Dkt. 4, is GRANTED. As set forth below, an initial partial filing fee will be collected, and Plaintiff is thereafter required to make monthly payments of 20 percent of the preceding month's income credited to his account until the full amount of the filing fee is satisfied.

(2) Pursuant to 28 U.S.C. § 1915, and Plaintiff's approved application to proceed *in forma pauperis*, the agency having custody of the above-named Plaintiff is directed to calculate

1 an initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly  
2 deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account  
3 for the 6-month period immediately preceding the date of this Order. The initial partial filing fee  
4 should be forwarded to the Clerk of Court as soon as practicable.

5 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having  
6 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the  
7 prisoner's preceding month's income credited to the prisoner's account. In the event that the  
8 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect  
9 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.  
10 Please note this \$10.00 limit does not apply to the initial partial filing fee described above.  
11 Finally, the monthly payments should be collected and forwarded to the Court until the entire  
12 filing fee (\$350.00) for this matter has been paid.

13 (3) The Clerk is directed to send a copy of this Order to plaintiff, to the financial  
14 officer of this Court, and to the agency having custody of plaintiff.

15 Dated this 14th day of March, 2023.

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18 David W. Christel  
19 Chief United States Magistrate Judge  
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